

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MARIO JESUS SANCHEZ

§

VS.

§

CIVIL ACTION NO. 2:22cv429

STATE OF TEXAS

§

ORDER OF DISMISSAL

Plaintiff Mario Jesus Sanchez, proceeding *pro se*, filed this removal action, a civil rights lawsuit pursuant to 42 U.S.C. § 1983, alleging purported violations of his constitutional rights. The case was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Judge Payne issued a Report, (Dkt. #2), recommending that Sanchez's action be remanded to the 71st District Court of Harrison County, Texas. Specifically, Judge Payne found that this Court lacks jurisdiction, as Sanchez's removal was improper. A copy of this Report was sent to Plaintiff at his last-known address, along with an acknowledgment card. The docket reflects that Plaintiff received a copy of the Report.

To date, however, Plaintiff has neither communicated with the Court nor filed objections or any response to the Report. Plaintiff has not communicated with the Court after a significant amount of time—and records indicate that he has been released from Jail but did not file a notice of a change of address, which his required, evincing his failure to prosecute his proceeding. *See, e.g., Callier v. Cain*, 2012 WL 2602958, at *1 n.1 (W.D. La. June 6, 2012) (“Indeed, the evidence suggests that he no longer wishes to pursue this matter since he has not contacted the court since he submitted his *in forma pauperis* application on January 25, 2012, some four months ago.”).


Because objections to Judge Payne's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #2), is **ADOPTED** as the opinion of the Court. Plaintiff's civil rights proceeding is hereby **REMANDED** back to the 71st District Court of Harrison County, Texas, for lack of jurisdiction. Further, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

So ORDERED and SIGNED this 31st day of March, 2025.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE